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31 March 2004

(Date of Deposit)

Kirk Baumeister

(Name of applicant, assignee, or Registered Representative)

*Kirk Baumeister*  
(Signature)

Docket No. CEN309 USA NP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Giles-Komar et al.  
Serial No. : 10/644,308  
Filed : 20 August 2003  
Title : Method for Generating Antibodies

**RECONSIDERATION PETITION TO CORRECT FILING DATE**

This Reconsideration Petition is a resubmission of the petition entitled "Petition to Correct Filing Date" filed 8 December 2003. This Reconsideration Petition is being timely filed within the two-month response period of the "Decision on Petition" mailed 19 February 2004 from the United States Patent and Trademark Office.

The original Petition was dismissed on grounds that the petitioner did not pay a \$130.00 petition fee. Petitioners respectfully point out that the first paragraph of the original Petition expressly stated that "Any fees required are authorized to be charged to the undersigned's Deposit Account No. 10-0750/CEN309USANP/KB." Accordingly, the original Petition was improperly dismissed. An express statement authorizing the charge of the \$130.00 petition fee can be found at the end of this petition.

This Reconsideration Petition is being submitted to request that a filing date of 19 August 2003 be accorded to the above-identified application. This petition is being promptly filed without any undue delay.

**Facts:**

The undersigned attorney received a "Filing Receipt" from the US Patent and Trademark Office on 24 November 2003 indicating that the present application received a filing date of 20 August 2003.

The priority date claimed for the present application is 19 August 2002 based on US Provisional Application No. 60/404,466. In

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order to receive the benefit of this date, the undersigned prepared a Patent Application Transmittal and supporting papers for submission on 19 August 2003 by Express Mail to the US Patent and Trademark Office.

On 19 August 2003, an Express Mail package bearing Express Mail mailing number EU735850727US was submitted to the Applicant's mail room personnel by the undersigned for deposit that same day with the United States Postal Service. Unbeknown to the undersigned or the mail room supervisor, a mail room employee did not deliver the Express Mail package to the United States Postal Service until approximately 8:30 am on 20 August 2003, in direct contravention to an established policy of same day deposit of Express Mail for the undersigned.

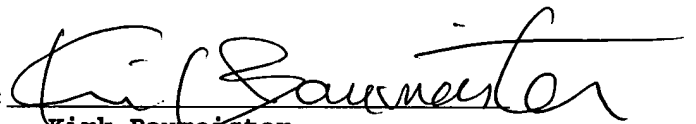
Petition to Accord a Filing Date of 19 August 2003

In light of the facts discussed above, Applicant respectfully requests that an filing date of 19 August 2003 be accorded to the present application in order to preserve Applicants's claim to priority of 19 August 2002.

Please charge Deposit Account No. 10-0750/CEN309US/KB in the name of Johnson & Johnson \$130.00 for the cost of filing this Petition.

Respectfully submitted,

By:



**Kirk Baumeister**

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